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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 MICHAEL STEVEN NOVAK,

9 Plaintiff,

10 v.

11 JAMES THACHER,

12 Defendant.

Case No. C08-5711BHS-JKA

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation of the
14 Honorable J. Kelley Arnold, United States Magistrate Judge (Dkt. 10). The Court having
15 considered the Report and Recommendation, Plaintiff's failure to file objections, and the
16 remaining record, does hereby find and order:

- 17 (1) The Court adopts the Report and Recommendation; and
18 (2) Plaintiff's Motion for In Forma Pauperis Status (Dkt. 3) is **DENIED** as moot
19 because Plaintiff has paid the filing fee for this action.

20 DATED this 23rd day of January, 2009.

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23 BENJAMIN H. SETTLE
24 United States District Judge

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28 ORDER